

**2015**  
**BERGEN COUNTY AGRICULTURE DEVELOPMENT BOARD**  
**RESOLUTION NO. 2015-02**

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**REQUEST FOR A SITE-SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE**  
**FRESH & FANCY FARMS, LLC**  
**575 RIVER ROAD, NEW MILFORD**  
**BERGEN COUNTY, NEW JERSEY**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, et seq., and the State Agriculture Development Committee's ("SADC") Right to Farm Rules, N.J.A.C. 2:76-2.1, et seq., a commercial farm owner or operator may make a request to the Bergen County Agriculture Development Board ("BCADB") to determine whether the farm's operation constitutes a generally accepted agricultural operation or practice; and,

WHEREAS, Fresh & Fancy Farms, LLC, is the sole owner of the Property commonly known as 575 River Road, New Milford (Tax Lot 43 in Block 904) as shown in a Deed dated April 28, 2011, between Shaaron Klinger and Fresh & Fancy Farms, LLC; and,

WHEREAS, Tax Lot 43 in Block 904 is subject to a Deed of Easement for Conservation and Walkway Purposes, between William Klinger and Shaaron Klinger (Grantor) and Borough of New Milford (Grantee) and County of Bergen (Grantee) dated March 18, 2008 and recorded with Bergen County Clerk on March 28, 2008; and,

WHEREAS, Fresh & Fancy Farms, LLC ("Applicant") has submitted a "Request for Site-Specific Management Practice Recommendation ("SSAMP") Form" (attached hereto as Attachment A) dated January 31, 2015, for the agricultural operation of Fresh & Fancy Farms comprising a total of approximately 0.88 acres of land ("Property") devoted to agricultural or horticultural use; and,

WHEREAS, the Applicant has submitted a Proposed Improvements Plan of Fresh & Fancy Farms, LLC, prepared by Azzolina & Feury Engineering, Inc., dated April 1, 2015, (attached hereto as Attachment B), and submitted Descriptive Narrative Document (attached hereto as Attachment C); and,

WHEREAS, the Applicant's property has been a farm for over 100 years and is located in an area in which, as of December 31, 1997 or thereafter, agriculture is a non-conforming use under the municipal zoning ordinance, but is consistent with the master plan in operation as of July 2, 1998; and,

WHEREAS, on February 26, 2015, pursuant to N.J.A.C. 2:76-2.1 et seq., the BCADB advised the SADC and the Borough of New Milford of the Applicant's request; and,

WHEREAS, pursuant to N.J.A.C. 2:76-2.1 et seq., upon the receipt of a request for SSAMP, the BCADB must determine whether the Applicant's agricultural operation is a "commercial farm" as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and,

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WHEREAS, pursuant to N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1-C-3, “commercial farm” means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, c.48 (C.54:4-23.1 et seq.), or (2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, c.48 (C.54:4-23.1 et seq.); and,

WHEREAS, the Applicant had submitted the following:

- Item 1 – New Milford Zoning Board of Adjustment resolution clause stating 100-year old farm
- Item 2 – 2004 New Milford Master Plan Farmland Preservation Element designating Farm for farmland preservation
- Item 3 – 2012 Amendment to New Milford Master Plan Recreation and Open Space Plan Element to change Farm land use category from residential to farmland preservation
- Item 4 – 2014 Master Plan Update repeats previous treatments of Farm property
- Item 5 – Applicant Certification Document
- Item 6 – Copies of various invoices for acquisition of raw agricultural products
- Item 7 – Spreadsheet showing various agricultural costs and gross income calculating annual agricultural production of \$81,384.26

and,

WHEREAS, the Applicant documented income of approximately \$81,384.26 from the annual agricultural production of agricultural or horticultural products as certified by the Applicant In Item 5 Certification, Page 4, Paragraph C and set forth in Item 7; and,

WHEREAS, a public meeting was noticed for March 12, 2015, at One Bergen County Plaza, Hackensack, New Jersey; and,

WHEREAS, upon review of the documentation submitted, which included a Certification of Commercial Farm Status from Mr. Low as owner of Fresh & Fancy Farms, LLC, dated January 25, 2015, the BCADB found that the Applicant is a farm management unit less than five (5) acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, c.48 (C.54:4-23.1 et seq.), and that the Applicant meets the criteria of a commercial farm as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3, thereby allowing it Right to Farm protections; and,

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WHEREAS, the BCADB adopted Resolution No. 2015-01, dated March 12, 2015, (attached hereto as Attachment D) determining Fresh & Fancy Farms, LLC, met the criteria of a commercial farm as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3; and,

WHEREAS, the BCADB conducted a site visit of the Property on April 9, 2015, with Mayor Ann Subrizi and Scott G. Sproviero, Esq., on behalf of the Borough of New Milford; Mrs. Kerry Low, Megan Low, and Frank Rivellini, Esq., on behalf of Fresh & Fancy Farms, LLC; and BCADB member's Ron Binaghi, Jr., Joel Flagler, Chris James, and Evelyn Spath-Mercado; and Bergen County staff Robert A. Abbatomaro, Kevin Funabashi, Esq., and Adam L. Strobel; and,

WHEREAS, by way of the SSAMP Application and associated materials, Mr. Low et al. described the nature of the proposed on-farm direct marketing facilities on the Property as ways to market and promote its agricultural output, as follows:

1. Greenhouse (30'x 60') at 14-foot height with a 10-foot setback
2. Barn (20'x 40') at 22-foot height, having a 10-foot overhang, with a 5-foot setback, for storage of agriculturally-related equipment and materials
3. Chicken coop at no larger than 84 square feet, with a covered outside run, totaling 120 square feet
4. Bee hive/wood frame/boxes
5. Wood-burning fireplace/barbeque/oven (9'x 5')
6. Barn frame to be known as Agricultural Education Center (24'x 60') at 22-foot height, having a 10-foot overhang, to include a commercial kitchen and sanitary facilities, to host cooking and agricultural classes, farm dinners, Scouting events, birthday parties, seasonal/holiday events
7. Existing Farm Market for agricultural retail sales inside and for outside sales areas accessible by the public in accordance with letter dated July 10, 2015, from Frank Rivellini, Esq. (attached hereto as Attachment I)

WHEREAS, by way of the SSAMP Application and associated materials, Mr. Low et al. described the nature of the proposed requested on-farm direct marketing activities on the Property as ways to market and promote its agricultural output, and are as follows:

- Bonfires
- Hayrides
- Petting zoo
- Educational seminars (various)
- Farm-to-table cooking classes, seasonally at 4 per month
- Farm camp held 1 week each in July and August

WHEREAS, by way of the SSAMP Application and associated materials, Mr. Low et al. described the nature of the proposed requested on-farm direct marketing events on the Property as ways to market and promote its agricultural output, and are as follows:

- Scouting events that are agriculturally-based
- Agricultural classes at 2 per month

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- Birthday parties that are agriculturally-based
- Farm dinners at 1 per month or no more than 12 per calendar year
- Wine tastings at 2 per season
- Seasonal events at several times per year, for example – Santa, Back-to-the Garden Festival, Taste of the Season, Halloweenie

WHEREAS, by way of the SSAMP Application and associated materials, Mr. Low et al. described additional agriculturally-related items on the Property as follows:

- Security gate for security and safety
- Signage – main business sign
- Vegetable stand/Farm stand – displaying vegetables/herbs/fruits, etc.
- Interior selling of various agricultural and agriculturally-related products, such as, fresh flowers, plants, agricultural supplies, potted flowers/herbs, potted plants, flower pots, hose/sprayers, eggs, cheese, dairy, vegetables, fruits, jams, jellies, breads, donuts, bakery items, beverages, gifts

WHEREAS, upon receipt of the complete Applicant's SSAMP application, BCADB forwarded same to the Borough of New Milford for their review and comment, and to the SADC for their notification; and,

WHEREAS, Mr. Low et al. attended the regularly BCADB meetings held on March 12, April 21, and June 16, 2015, to provide the BCADB with an overview and application details of the Applicant's SSAMP application; and,

WHEREAS, in a letter dated June 8, 2015, Scott G. Sproviero, legal counsel for the Borough of New Milford, submitted written comments in response to Applicant's SSAMP (attached hereto at Attachment E); and,

WHEREAS, the Borough of New Milford's comments as outlined in its June 8, 2015, letter are summarized as follows:

- Off-Street Parking – Borough recommended that the Applicant endeavor to provide off-site parking accommodations in the immediate vicinity of the property in an effort to minimize parking in the residential neighborhood along Stockton Street.
- Hours of Operation – Requested day-to-day operation of the retail components of the property be limited to 8:00 a.m. to 8:00 p.m. and that all "special events" be concluded no later than 9:30 p.m.
- Farm Dinners – Commented on proposed use of commercial grade kitchen equipment and Applicant's prior representations that such "farm dinner" events would be limited to one per month and limited to a maximum seating of approximately 35 patrons. Borough requested one-week notification prior to "farm dinner" event being held.

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- Petting Zoo – Requested that its operation be on a “periodic” basis, no animals be held overnight at the property as the animals are to be brought on-site solely at the time of the event and thereafter immediately removed from the site at the conclusion of the “petting zoo” event. Borough requested one-week notification prior to “petting zoo” event being held.
- Chicken Coop and Presence of On-Site Hens – Number of chickens be limited, type of chickens be limited to hens only, and that no roosters would be present on site. Location of coop to be in compliance with zoning ordinance for pertaining to setbacks from adjoining properties.
- Bee Hive – Location of proposed bee hive be in compliance with zoning ordinance for pertaining to set backs from adjoining properties.
- Signage – Signage should be in compliance with zoning ordinance regulations pertaining to the size, number, and location of the same.
- Lighting – All lights should be extinguished by 10:00 p.m. nightly.
- Farm Camp – Borough had no specific objection to the conduct of “farm camp” activities at the property.
- Municipal Approvals – Borough requested all activities be conditioned upon the Applicant obtaining all applicable permits required by local authorities relating to food services, fire prevention, building permits and bulk zoning compliance.
- Stormwater Management – Borough requested determination as to whether proposed activities, events, and facilities would result in an increase in on-site impervious coverage, and if so, that the storm water management requirements set forth at N.J.A.C. 7:8-1 et seq. be strictly abided.

WHEREAS, on July 8, 2015, Fresh & Fancy Farms, LLC, published the required notice attached hereto as Attachment J (N.J.A.C. 2:76-2A.13) of the July 20, 2015, Public Hearing being held at 5:30 p.m. at the County Administration Building, One Bergen County Plaza, Hackensack, in connection with the BCADB Hearing on the Applicant’s SSAMP Application; and,

WHEREAS, on July 20, 2015, the BCADB held the above-referenced Public Hearing, with a presentation being offered by Fresh & Fancy Farms on the specifics of the Applicant’s SSAMP Application; and,

WHEREAS, on August 26, 2015, the BCADB continued the above-referenced Public Hearing, with a presentation on various revised or amended elements offered by Fresh & Fancy Farms on the specifics of the Applicant’s SSAMP Application; and,

WHEREAS, Scott G. Sproviero, legal counsel for the Borough of New Milford, was in attendance to hear the presentations and offer additional comments; and,

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WHEREAS, the BCADB created a record of all documentation submitted by Applicant and the Borough of New Milford; and,

WHEREAS, the BCADB, with the assistance of Bergen County Office of County Counsel, reviewed and discussed the Applicant's SSAMP Application and all documentation relating to the matter, with guidance from the "Right to Farm Act" (N.J.S.A. 4:1C-1 et seq.) and New Jersey Administrative Code provisions related to "Agriculture Management Practice for On-Farm Direct Marketing Facilities, Activities, and Events" (N.J.A.C. 2:76-2A.13); and,

WHEREAS, the BCADB at its regular meeting on August 26, 2015, held an open discussion concerning all issues raised in connection with the Applicant's SSAMP Application.

NOW, THEREFORE, BE IT RESOLVED, that the BCADB finds that the development and use of the Property as described in the Applicant's SSAMP Application and associated attached documents are in conformance with the Right to Farm Act definition of "commercial farm" (N.J.S.A. 4:1C-3); and,

BE IT FURTHER RESOLVED, that the BCADB finds that the current farming and proposed On-Farm Direct Marketing Facilities, Activities, and Events on the Property as described in the Fresh & Fancy Farms' SSAMP Application and associated documents constitute a "generally accepted agricultural operation and practice," which operation and practice does not pose a direct threat to public health and safety (See N.J.S.A. 4:1C-9); and,

BE IT FURTHER RESOLVED, that the BCADB hereby approves the request by Fresh & Fancy Farms, LLC, for a "Site-Specific Agricultural Management Practice" for the development and use of the Property as described in the Fresh & Fancy Farms' SSAMP Application and associated documents, subject to conditions more particularly described below; and,

BE IT FURTHER RESOLVED, that in granting the Fresh & Fancy Farms' SSAMP Application, the BCADB has sought to consider and balance Fresh & Fancy Farms' farming-related interest with those legitimate interests of the local government (Borough of New Milford), and members of the public, as well as the impact of Fresh & Fancy Farms' development and use of the Property as impacting upon public health and safety; and,

BE IT FURTHER RESOLVED, that as a result of the BCADB's evaluation of the above-referenced competing interests, the BCADB places certain modifications, where noted, upon its approval of the Fresh & Fancy Farms' SSAMP Application, as follows:

1. Fresh & Fancy Farms' Development and Use of the Premises. Applicant shall develop and use the Property in conformity with the specifics delineated in the Application and its supporting documents submitted by the Applicant to the BCADB, and attached hereto as Attachments A, B, C, F, H, K, and M; and,



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2. Structures.

- Greenhouse or Hoop House (30'x 60') at 14-foot height with a 10-foot setback.
- Barn (20'x 40') at 22-foot height with a 10-foot overhang with a 5-foot setback for storage of agriculturally-related equipment and materials.
- Barn Frame (24'x 60') @ 22-foot height with a 10-foot overhang with a 5-foot setback, identified as "Agricultural Educational Center" to include a commercial kitchen and sanitary facilities, to host cooking and agricultural classes, farm dinners, Scouting events, birthday parties, seasonal/holiday events.

Proposed structures and locations on the Property are associated with agricultural uses. Proposed structures shall be constructed in accordance with the applicable provisions of the New Jersey Uniform Construction Code and its subcodes.

3. Chicken Coop. Chickens are a recognized agricultural product. Applicant's proposed and/or existing raising of chickens and marketing of eggs shall comply with accepted standards for humane production. Chickens to be raised on-site shall be limited to hens only and in number not to exceed twenty-five (25). The management and removal of the chicken waste shall be in accordance with letter dated August 2015 from Cedar Lakes Estate (and attached hereto as Attachment M). Said chicken waste to be managed on site in a manner and frequency in accordance with the amount of waste generated to meet acceptable chicken waste management practices. The BCADB strongly recommends that at such time as the State Agriculture Development Committee adopts an AMP on poultry production and management that Applicant seeks to comply with its requirements, if applicable.
4. Bee Hive/Wood Frame/Boxes. Applicant has eliminated its proposed outdoor bee hive structure and replaced it with an observational bee hive structure for educational purposes to be located within the interior of the new agricultural building to be known as "Agricultural Education Center."
5. Wood-Burning Fireplace/Barbeque/Oven. Applicant agrees to apply for and obtain all applicable construction, fire safety, and food service permits associated with Applicant's use of it for agriculturally-related education and farm-based recreational activities and/or events.
6. Farm Market. BCADB acknowledges that Applicant's existing "white" barn building is functioning as a farm market in accordance with the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13), whereby it is used for the retail marketing of the agricultural output of the commercial farm and of products that contribute to farm income.

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7. Bonfires. Applicant's fire pit/bonfire, at proposed 5-foot radius, shall comply with the criteria established in the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13 (m)(6)).
8. Hay Rides. Applicant's proposed Hay Ride activity shall comply with the criteria established in the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13 (m)(4)) for Applicant's use of it for agriculturally-related education and farm-based recreational activities and/or events.
9. Security Gate. BCADB recognizes the need that agricultural properties in general need to be safe and secure from trespass, however, it takes no position on the request for a security gate as an agriculturally-related structure. BCADB strongly encourages the Applicant, Borough of New Milford, and County of Bergen to agree on a location of the security gate such that it is in compliance with all applicable terms and restrictions governing the Property.
10. Signage. Applicant's signage shall comply with the criteria established in the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13). Applicant's primary on-site farm business sign (attached hereto as Attachment F) shall comply with the criteria established in the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13 (g) (3)). In addition, the Applicant shall install two (2) additional parking/traffic direction signs in the interior of the property to be located on or near the existing residential house.
11. Parking. Applicant shall provide permanent parking on-site in a manner consistent with the parking plan prepared by Borough of New Milford Engineer Margita Batistic, dated July 2015 (and attached hereto as Attachment K), which calls for 3 parking spots in the area of the Property immediately off of River Road and an additional 10 parking spots in the interior of the Property in its central and eastern areas as noted on the plan. Said interior parking spots to be created as soon as practical with the removal of the existing structure identified as the "2-story red barn." The Borough of New Milford and the Applicant acknowledge the ability to have four (4) cars park along the northern side of Stockton Street adjacent to the Fresh & Fancy Farms' property. The Applicant agrees to provide a safety barrier of iron pipes, bushes, and/or large boulders in lieu of the proposed guard rail at the rear of the parking area off of River Road along the northerly border of Stockton Street. The Applicant agrees to install concrete wheel stops to identify the individual parking spaces on the property. The Applicant agrees to install interior signage to inform and direct vehicular traffic as necessary to permitted parking spots and flow of interior traffic. The Applicant agrees to establish the parking areas and interior driveway using gravel.



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12. Petting Zoo. Applicant's proposed Petting Zoo activity shall comply with the criteria established in the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13 (m)(5)) for Applicant's use of it for agriculturally-related education and farm-based recreational activities and/or events. The Borough of New Milford and the Applicant acknowledge that any animal attractions of the Petting Zoo will only remain on-site for the duration of the scheduled agricultural-related event and not remain overnight.
13. Sanitary Facilities. Applicant has stated that it will provide permanent sanitary facilities in the 24' x 60' Barn Frame Structure, to be known as the Agricultural Educational Center. Applicant's Sanitary Facilities shall comply with the criteria established in the On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13 (e)) and shall be ADA compliant.
14. Safety. Applicant's requirements for Safety shall comply with On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13 (f)).
15. Vegetable Stand/Farm Stand/Interior Selling. Applicant is permitted display for sale of agricultural output of the commercial farm, complementary and supplementary products, and products that contribute to farm income, in accordance with, or defined by, On-Farm Direct Marketing AMP (N.J.A.C. 2:76-2.13 (b)).

Agricultural Output Products include, or will include: eggs from its chickens, honey from its bees, and flowers, plants, and vegetable crops or products from its various plant material.

Products that Contribute to Farm Income because of their reasonable nexus to the sale of Applicant's various plant material and products include, or will include: agricultural supplies of sprays, fertilizers, pots, and hoses.

Complementary Products to help market the commercial farm include gifts.

Supplementary Products such as honey and customary food and drink items.

16. Cooking Classes, Farm Dinners, Agricultural Classes, Scouting Events, Farm Camp, and Other Agriculturally-Related Events. BCADB recognizes Applicant's conducting them for agriculturally-related education and farm-based recreational activities and/or events to market and promote the agricultural output of the commercial farm.

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17. Hours of Operation. Applicant shall comply with the On-Farm direct Marketing AMP (N.J.A.C. 2:76-2.13) providing for allowable hours of operation for On-Farm Direct Marketing facilities, events, and activities as follows:

- On-farm direct marketing facilities, events, and activities may be open or offered on weekdays, weekends, holidays, seasonally, for part of the year, or year-round;
- The Applicant's close of regular business activities will be no later than 6:30 p.m. This limitation does not apply to the on-farm direct marketing schedule of activities and events listed in Paragraph Nos. 18 & 19, for which activities shall end by 10:00 p.m.

18. On-Farm Direct Marketing Schedule of Activities and Events. Applicant shall submit a schedule of anticipated evening and special events, to the extent known, of its schedule of on-farm direct marketing activities and events to the Borough of New Milford and the County of Bergen, no later than April 1<sup>st</sup> of each year. Submission of annual listing is for notification purposes only and may be supplemented or amended from time-to-time provided one (1) week notice prior to an activity or event is given to BCADB and the Borough of New Milford.

Applicant's schedule of Events shall be as follows:

- Agricultural cooking classes at no more than 24 per calendar year with no more than 4 per month.
- Farm dinners at no more than 12 per calendar year with no more than 3 per month.
- Wine tasting at no more than 2 per calendar year.
- Christmas Tree sales.

Number of attendees at scheduled evening events shall not exceed 40.

Foregoing schedule of events shall be expressly contingent upon applicant's compliance with onsite parking requirements as stated herein. In the event that the Applicant is unable to implement the onsite parking requirements as contained in Paragraph No. 11 by April 1, 2016, then, the Applicant shall be permitted to seek relief from the Board from the aforesaid condition.

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19. 2015 Remainder On-Farm Direct Marketing Schedule of Activities and Events.

- Agricultural classes to be held evenings on October 20, 2015, and November 17, 2015, with no more than 25 attendees.
- Farm dinners to be held on evenings on October 17, 2015, and November 7, 2015, with no more than 36 attendees.

During the ongoing transition to the creation of the permanent on-site parking areas, the Borough of New Milford and the Applicant acknowledge the Applicant's ability to use the nearby commuter parking lot for overflow parking to accommodate scheduled evening agricultural-related events.

20. Stormwater Management. BCADB acknowledges Bergen County's previous determination dated May 2, 2012, (attached hereto as Attachment G) indicating that no further action by the County is required with respect to site plan review of proposed barn and greenhouses.

21. Local Permits (Construction, Fire Safety, Food Service). Applicant agrees to apply for and obtain all applicable construction, fire safety, and food service permits associated with Applicant's development and use of the Property.

BE IT FURTHER RESOLVED, that Fresh & Fancy Farms, LLC, shall be obligated at all times to adequately address and provide measures to ensure that public health and safety issues and concerns remain adequately addressed in connection with Fresh & Fancy Farms' development and use of the Property as outlined in the Fresh & Fancy Farms' Application and associated documents. The BCADB encourages Fresh & Fancy Farms' representatives and Borough of New Milford representatives to continue to work cooperatively toward addressing all public health and safety issues associated with Fresh & Fancy Farms' development and use of the Property.

BE IT FURTHER RESOLVED, that BCADB will retain jurisdiction over agriculturally-related matters on the Fresh & Farms, LLC, property in accordance with the Right to Farm Act, N.J.S.A. 4:1C-1, et seq., and the State Agriculture Development Committee's ("SADC") Right to Farm Rules, N.J.A.C. 2:76-2.1, et seq.

BE IT FURTHER RESOLVED, that within 30 days of its adoption, certified copies of this resolution will be forwarded to the following entities and agencies:

- Fresh & Fancy Farms, LLC
- Borough of New Milford
- State Agriculture Development Committee

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BE IT FURTHER RESOLVED, that any person aggrieved by this resolution may appeal the resolution to the SADC in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedures Rules, N.J.A.C. 1:1, within 45 days from receipt of this resolution.

1. The decision of the SADC shall be considered a final administrative agency decision.
2. If the Bergen CADB's resolution is not appealed within 45 days, the resolution is binding.

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Abma				
Binaghi				
James				
Secor				
Wiggers				
Spath-Mercado, Chairwoman				
<b>TOTALS</b>				

I certify that the foregoing is a true copy of the Resolution of the Bergen County Agriculture Development Board, duly adopted at a regular meeting of the Board on September 10, 2015.

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Evelyn Spath-Mercado, Chairperson

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Date

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**LIST OF ATTACHMENTS**

- A. Bergen County Agriculture Development Board Request for Site-Specific Management Practice Recommendation Form with Application and its Attachments (Exhibit 1)
- B. Proposed Improvements Plan of Fresh & Fancy Farms, LLC, prepared by Azzolina & Feury Engineering, Inc., April 1, 2015 (Exhibit 2)
- C. Fresh & Fancy Farms' Descriptive Narrative Document (Exhibit 3)
- D. BCADB Resolution No. 2015-01, March 12, 2015
- E. Borough of New Milford letter dated June 8, 2015, Scott G. Sproviero, legal counsel
- F. Fresh & Fancy Farms, LLC Primary On-Site Business Sign
- G. Bergen County Department of Planning & Economic Development letter dated May 2, 2012 to Donald W. Low
- H. Proposed Sign and Parking Plan of Fresh & Fancy Farms, LLC, prepared by Azzolina & Feury Engineering, Inc.
- I. Frank Rivellini, legal counsel Fresh & Fancy Farms, LLC, letter dated July 10, 2015
- J. Notice of Public Hearing Published July 8, 2015
- K. Proposed Parking Plan of Fresh & Fancy Farms, LLC, prepared by Borough of New Milford Engineer Margita Batistic, July 2015 (Exhibit 6)
- L. Boundary Survey of Lots 43 & 44 in Block 904 in the Borough of New Milford, Boswell McClave Engineering, November 28, 2007 (Exhibit 4)
- M. Letter from Cedar Lakes Estate dated August 2015 regarding chicken waste management (Exhibit 5)
- N. Bergen County Agriculture Development Board SSAMP Checklist